



Patent
Attorney's Docket No. 000952-066

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
John R. Peery)
Application No.: 09/296,582) Group Art Unit: 3735
Filed: April 23, 1999) Examiner: J. Maynard
For: **TROCAR FOR INSERTING**)
IMPLANTS)

DECLARATION UNDER 37 C.F.R. §1.131

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, John R. Peery declare that:

1. I am the inventor of the subject matter claimed in U.S. Patent Application Serial No. 09/296,582, filed April 23, 1999 which claims priority based on provisional U.S. Patent Application Serial No. 60/082,759 filed April 23, 1998.

2. Claim 1 sets forth a trocar having a cannula for receiving an implant and inserting the implant into an animal; a spring element received within the cannula, the spring element having a leaf spring for retaining the implant inside the cannula, the leaf spring applying a frictional force against the implant sufficient to prevent the implant from sliding out of the cannula under a weight of the implant; and an obturator for delivering the implant from the cannula into the animal.

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3. Exhibit A attached hereto is an invention record including drawings and description of invention prepared by me prior to January 13, 1997, the filing date of Harmon U.S. Patent No. 5,772,671. Page 2, paragraph 6 of the invention record shows that the invention was reduced to practice. The actual dates of the disclosure statement have been redacted. In addition, other unnecessary information has also been redacted.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are true and further that these statements are made with the knowledge that a willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

05 July 2001
Date

John R. Peery
John R. Peery